

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2006 JAN 27 A 11:04

CLERK
S.D. OF GA.

ELTON RIEARA,

Plaintiff,

v.

Lt. BRIAN RULEY, individually,

Defendant.

CIVIL ACTION NO. CV205-037

ORDER

After an independent review of the record, the Court concurs with the Report and Recommendation of the Magistrate Judge, to which Plaintiff filed Objections. In his Objections, Plaintiff asserts that the Magistrate Judge mistakenly concluded that the Plaintiff did not exhaust his administrative remedies. Plaintiff contends that he included his claims against Defendant in his original grievance against Officer Clements. To support his contentions, Plaintiff has provided copies of grievance forms which discuss Officer Ruley. However, Plaintiff's supporting documentation states that he did not file his regional appeal in a timely manner. There is no indication that Plaintiff followed this Regional Office ruling with an out-of-time appeal. Further, Plaintiff's Central Office Appeal is unsigned and does not contain a case number that corresponds with his previous remedy requests. Plaintiff has provided no indication that a determination was made on the Central Office Appeal he has provided. Accordingly, Plaintiff has not exhausted his administrative remedies.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Defendant's Motion to Dismiss is **GRANTED**. Plaintiff's Complaint is **DISMISSED**, without prejudice, due to his failure to exhaust his administrative remedies. The Clerk of Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 27th day of January, 2006.

Cherry A. Albino
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA